

**BEFORE THE GOVERNING BOARD OF THE
PERRIS ELEMENTARY SCHOOL DISTRICT**

**RESOLUTION TO AUTHORIZE CONTRACT WITH HERENCIA MARIACHI ACADEMY
TO PROVIDE MUSICAL EDUCATIONAL SERVICES**

2024-2025 RESOLUTION No. 9

WHEREAS, the Perris Elementary School District (“District”) has determined it is necessary to procure musical educational services from Herencia Mariachi Academy (“Herencia”); and

WHEREAS, based on an analysis of students’ and parents’ needs and requests and evaluations by teachers, the District has determined that providing a Mariachi music education program will help develop students musical and cultural education. Research conducted by District staff indicates that Herencia is the only provider who will provide such services on District campuses and that there are no local providers of Mariachi music educational programs; and

WHEREAS, the District’s Board of Trustees (“Board”) finds that contracting with Herencia is necessary due to the inability of the District to identify other providers of Mariachi music educational services and other factors including, but not limited to, the following:

- a. District teachers and staff have determined that the musical education services Herencia will provide are consistent with the curriculum and goals of the District and are necessary to meet the educational needs of students.
- b. District staff surveyed available providers and was unable to identify any such providers that meet the District’s needs other than Herencia.
- c. District teachers and staff have determined that the services Herencia will provide are special services.

WHEREAS, pursuant to Public Contract Code section 3400(c)(3) and Government Code section 53060, the District’s Board has determined the necessary services to be provided by Herencia are services, products, and/or materials required by the District that are only available from one source; and

WHEREAS, the District’s Board has determined that it would not produce any advantage to competitively bid the procurement of the necessary services to be provided by Herencia; and

WHEREAS, Meakin v. Steveland (1977) 68 Cal.App.3d 490 and Los Angeles Dredging v. Long Beach (1930) 210 Cal. 348 hold that statutes requiring competitive bidding do not apply when competitive bidding would work an incongruity or not produce any advantage.

NOW, THEREFORE, the District Board hereby finds, determines, declares and resolves as follows:

Section 1. All of the recitals set forth above are true and correct and the Board so finds and determines.

Section 2. The Board hereby finds and determines that the procurement of the services to be provided by Herencia are services, products, and/or materials are necessary; are necessary in order to meet the goals of the District and to meet the educational needs of students; are consistent with the curriculum; and are available from one source based on the factors set forth above; and that it would not produce any advantage to competitively bid the necessary educational services, products, and/or materials.

Section 3. The Board hereby approves the procurement of musical educational services, products, and/or materials from Herencia Mariachi Academy as deemed required or necessary by the District.

Section 4. The Board hereby delegates authority to the District’s Chief Business Official or her designee to execute and deliver any and all documents which he may deem necessary or advisable in order to execute this transaction and otherwise carry out, give effect to and comply with the terms and intent of this Resolution.

Section 5. This Resolution shall be effective as of the date of its adoption until rescinded by the Board.

APPROVED, PASSED AND ADOPTED by the Governing Board of the Perris Elementary School District this 14th day of November, 2024, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAINED: _____

I, Douglas Corona, President of the Governing Board of the Perris Elementary School District, do hereby certify that the foregoing is full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in office of said Board.

President of the Board of Trustees
Perris Elementary School District

I, Carol Jimenez, Clerk of the Governing Board of the Perris Elementary School District, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the Governing Board at a regular meeting thereof held on the 14th day of November, 2024, by the above-described vote of the Governing Board;

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Perris Elementary School District Governing Board this 14th day of November, 2024.

Clerk of the Board of Trustees
Perris Elementary School District